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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,726	05/23/2001	Yukio Tanigawa	0152-0561P-SP	1225

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EXAMINER

YOON, TAE H

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 04/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/862,726

Applicant(s)

Tanigawa et al

Examiner

T. Yoon

Group Art Unit

1714

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 5-23-01, Pre. Andt
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-11 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-11 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☒ All ☐ Some\* ☐ None of the:

- ☒ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim is an improper multiple dependent claim since it cannot dependent on another multiple dependent claim.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al (US 5,364,899).

Watanabe et al teach a flame-retardant resin composition comprising a polycarbonate and zinc salt in abstract. Zinc salts such as zinc stearate is taught at col. 2, line 58. Watanabe et al also teach employing other resins such as polyacetal (col. 4, line 57) and a flame-retarding additive such as red phosphorus at col. 7, line 1.

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It would have been obvious to one of ordinary skill in the art at the time of the instant invention to utilize said polyacetal and red phosphorus in Watanabe et al since Watanabe et al teach such modification.

Claims 1, 4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al (US 5,364,899) and Kobayashi et al (US 6,103,828).

The instant invention further recites lithium stearate over zinc stearate of Watanabe et al. However, the use of lithium stearate in a polymeric composition is a common practice as taught by Kobayashi et al, col. 7, line 65 to col. 8, line 3 wherein said lithium stearate and zinc stearate are taught.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to utilize lithium stearate of Kobayashi et al in Watanabe et al since Watanabe et al teach zinc stearate and since Kobayashi et al equate said lithium stearate and zinc stearate and teach a polycarbonate also at col. 3, line 18.

Claims 1, 4 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al (US 5,364,899) and Katoh et al (US 5,162,428).

The instant invention further recites a particular phenolic resin over Watanabe et al who teach employing a phenolic resin as a flame-retarding additive at col. 7, line 5. Katoh et al teach the instant phenolic resins at col. 2, lines 29-59.

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It would have been obvious to one of ordinary skill in the art at the time of the instant invention to utilize said polyacetal and red phosphorus in Watanabe et al, and further to utilize the phenolic resins of Katoh et al in Watanabe et al thereof since Watanabe et al teach such modification.

Claims 1-4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al (US 5,364,899) in view of Cerny et al (US 4,208,317), Imahashi et al (US 6,130,282), Matsumoto et al (US 6,329,451) or Takahashi et al (US 5,559,180).

The instant invention further recites a coated red phosphorus and a particle size thereof and silicon oil over Watanabe et al. However, the use of such red phosphorus as a flame-retardant is a routine practice as taught by Cerny et al (col. 1, lines 42-51), Imahashi et al (col. 6, lines 30-36), Matsumoto et al (col. 7, lines 14-32). Also, the use of silicon oil as a lubricant is well known as taught by Takahashi et al (claim 4).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to utilize a coated red phosphorus of Cerny et al, Imahashi et al or Matsumoto et al in Watanabe et al since the use of such red phosphorus is the art well known practice, or to utilize silicon oil of Takahashi et al in Watanabe et al since Watanabe et al teach employing a lubricant at col. 7, line 19.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H. Yoon whose telephone number is (703) 308-2389. The examiner can normally be reached on Monday to Thursday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (703) 306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

THY/April 24, 2003



TAE H. YOON  
PRIMARY EXAMINER